

# Exhibit F

**JONATHAN WAYNE BOTTEN, ET AL. vs STATE OF CALIFORNIA, ET AL.**  
**Greg Meyer on 02/12/2025**

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA

3 --oOo--

4 JONATHAN WAYNE BOTTEN, SR.;  
TANJA DUDEK-BOTTEN;  
5 ANNABELLE BOTTEN; and J.B., a  
minor by and through his guardian  
6 JONATHAN WAYNE BOTTEN,

7 Plaintiffs,

8 vs. Case No. 5:23-cv-00257-JGB-SHK

9 STATE OF CALIFORNIA;  
COUNTY OF SAN BERNARDINO;  
10 ISAIAH KEE; MICHAEL BLACWOOD;  
BERNARDO RUBALCAVA;  
11 ROBERT VACCARI; JAKE ADAMS;  
and DOES 1-10 inclusive,

12 Defendants.

13 \_\_\_\_\_/

14

15 STENOGRAPHIC REPORTER'S TRANSCRIPT OF

16 DEPOSITION OF GREG MEYER

17 WEDNESDAY, FEBRUARY 12, 2025

18

19

20

21 Reported Stenographically by:

22 KIMBERLY D'URSO, CSR 11372, RPR

23 Job No. 00135667

24

25

**JONATHAN WAYNE BOTTEN, ET AL. vs STATE OF CALIFORNIA, ET AL.**  
**Greg Meyer on 02/12/2025**

Page 2

1 APPEARANCES

2

3 FOR THE PLAINTIFFS:

4 LAW OFFICES OF DALE K. GALIPO  
5 BY: DALE K. GALIPO, ESQ.  
6 COOPER MAYNE, ESQ.  
7 21800 Burbank Boulevard, Suite 310  
8 Woodland Hills, California 91367  
9 818.347.3333  
10 dalekgalipo@yahoo.com  
11 cmayne@galipolaw.com

12 FOR THE DEFENDANTS:

13 LYNBERG & WATKINS  
14 BY: AMY R. MARGOLIES, ESQ.  
15 1100 W. Town & Country Road, Suite #1450  
16 Orange, California 92868  
17 amargolies@lynberg.com  
18 714.937.1010

19 FOR THE DEFENDANTS STATE OF CALIFORNIA, BY AND THROUGH  
20 THE CALIFORNIA HIGHWAY PATROL:

21 DEPUTY ATTORNEY GENERAL  
22 BY: DIANE ESQUIVEL, ESQ.  
23 1300 I Street, Suite 125  
24 P.O. Box 944255  
25 Sacramento, CA 94244-2550  
diana.esquivel@doj.ca.gov  
916.445.9555

--oOo--

19

20

21

22

23

24

25

**JONATHAN WAYNE BOTTEN, ET AL. vs STATE OF CALIFORNIA, ET AL.**  
**Greg Meyer on 02/12/2025**

Page 35

1           A.    I do not.  There was some before and -- and  
2   some after.  Some before he ran away and some while he  
3   was running away, I guess I could say.

4           **Q.    How about after he went to the ground?  Do you**  
5   **have an estimate as to how many shots were fired after**  
6   **he went to the ground?**

7           A.    And I don't have an estimate as to the number.  
8   I know that there was some shooting going on for a few  
9   seconds after he went to the ground.

10          **Q.    You could hear that on the audio from the**  
11   **videos?**

12          A.    Yeah.  You could hear it on the audio.  You  
13   know, the -- the ultimate issue there is, you know,  
14   you've got an armed suspect running away.  You can see  
15   the gun in his hand in the video.  The officers are  
16   shooting at him.  He finally goes down.

17                But as he's going down, the video shows that  
18   it's -- it's so hazy, you know, cloudy in the picture,  
19   you can't really see him hit the ground and what he is  
20   doing.  Therefore, there's a reasonable fear in play  
21   about whether he's still shooting -- or he's shooting at  
22   them, if he's still got the gun in his hand, if he's  
23   been subdued yet.

24                And you factually just don't know until it's  
25   time to, you know -- the gunfire stops and it's time to

**JONATHAN WAYNE BOTTEN, ET AL. vs STATE OF CALIFORNIA, ET AL.**  
**Greg Meyer on 02/12/2025**

Page 36

1 move up there and you see. And then we get into what  
2 you and I both know is, you know, after the whole  
3 physical and psychological or biomechanical process of  
4 when your brain tells you that it's time to stop  
5 shooting, in rapid fire, you're still going to get off a  
6 few more shots, typically, before your finger gets the  
7 message from your brain to stop shooting.

8 So the -- but the biggest thing to me in the  
9 shooting after the ground that continued is, from the  
10 video camera's angle that I saw, it's cloudy. You  
11 cannot see what he's doing on the ground. And he may  
12 still be -- he may be shooting at you or pointing the  
13 gun back towards you.

14 You just don't know until you -- until you go  
15 up there and find out. That was a short sentence. I  
16 apologize.

17 **Q. At least you weren't speaking too fast.**

18 **A.** No. I try to respect the rights of the court  
19 reporter to have a good day.

20 **Q. I know that's very much appreciated. I try to**  
21 **do the same thing.**

22 **Would your opinions at all in this case change**  
23 **if, hypothetically, the officers never saw a gun in**  
24 **Mr. Puga's hand at any time?**

25 **A.** Yeah. It's -- it's -- it's possible that they

**JONATHAN WAYNE BOTTEN, ET AL. vs STATE OF CALIFORNIA, ET AL.**  
**Greg Meyer on 02/12/2025**

Page 77

1 And basically -- and basically, we're talking  
2 about the fleeing felon shooting under Tennessee versus  
3 Garner, so I -- I totally disagree with him on that.  
4 This was a Garner shooting after the -- after he ran  
5 away.

6 And on page 16, also continuing in opinion 3,  
7 near the top, he writes -- or at the top he writes:  
8 "Officers are trained that deadly force can only be used  
9 in an immediate defense of life situation and only as a  
10 last resort."

11 That is not in California POST training. What  
12 they are trained is -- well, no. That's not what I'm  
13 trying to say.

14 Next, still in opinion 3 -- and I mentioned  
15 this when Mr. Galipo was questioning me earlier and when  
16 Ms. Esquivel was questioning me a little while ago -- let  
17 me see where he finds it.

18 Oh, yeah. The very next sentence after: "The  
19 last resort" sentence at the top. He says: "Officers  
20 are trained they are responsible for every shot" --  
21 that's true" -- "and to re-assess the threat or danger  
22 before firing the next shot."

23 That's just false. We've talked about three  
24 assessment process a couple of times, especially in a  
25 rapid-fire, breaking situation.

**JONATHAN WAYNE BOTTEN, ET AL. vs STATE OF CALIFORNIA, ET AL.**  
**Greg Meyer on 02/12/2025**

Page 78

1 And also on page 16, in opinion 4, we talked  
2 about this all. That's -- the studies have shown that  
3 when you decide that it's time to stop shoot in a  
4 rapid-fire situation, very often you'll fire additional  
5 shots before your -- your brain signal gets to your  
6 finger and you actually physically stop shooting.

7 And, again, the issue for me is when I look at  
8 the video that's entitled "Post fail" -- whatever it  
9 is -- "Post fail" -- I can't remember the name of it  
10 right now. The video plaintiff provided -- the  
11 plaintiff's video expert, I guess, provided called "Post  
12 fail" -- some name.

13 You can't even see Mr. Puga after, you know,  
14 he's starting to fall. And so it's a very smoky, cloudy  
15 environment.

16 And opinion 5 -- still on page 16, on opinion  
17 5, Mr. Clark wrote: "It is my opinion that the officers  
18 had time to provide Mr. Puga with a warning that deadly  
19 force was going to be used prior to the shooting."

20 Well, I think -- I think not just the  
21 officers's statements and witness' statements, but the  
22 videos themselves, clearly depict that there was no time  
23 for such a warning. It happened right now, split second.

24 And, in fact, before that, the officers had  
25 spent considerable time telling Mr. Puga during the

**JONATHAN WAYNE BOTTEN, ET AL. vs STATE OF CALIFORNIA, ET AL.**  
**Greg Meyer on 02/12/2025**

Page 81

1 A. I couldn't hear the name.

2 Q. Mr Kimmins. I believe it's Kimmins, the  
3 videographer --

4 (Simultaneous speakers.)

5 A. Oh, oh.

6 Q. -- who prepared the --

7 In terms of the compilation video, do you have  
8 any dispute with what Mr. Kimmins did with the videos,  
9 putting them side by side?

10 MR. GALIPO: I'm going to object, only because  
11 it's beyond his expertise, and he didn't issue any  
12 rebuttal reports in this case, even to Mr. Clark, and  
13 certainly, didn't issue any rebuttal reports to the  
14 videographer.

15 MS. ESQUIVEL: And just for the record,  
16 rebuttal reports are due tomorrow.

17 MR. GALIPO: Okay. Maybe he's got one coming.  
18 I don't know. I'll ask him.

19 THE WITNESS: So -- my only significant note  
20 about my review of the report of plaintiff's expert  
21 Kimmins is in the video labeled "Post fall bullet count  
22 video R1."

23 As I've mentioned before, you can't see  
24 Mr. Puga as he falls. As he starts to fall -- you can  
25 see he starts to fall, and then he kind of disappears on



**JONATHAN WAYNE BOTTEN, ET AL. vs STATE OF CALIFORNIA, ET AL.**  
**Greg Meyer on 02/12/2025**

Page 82

1 that video because of whatever smokey haze was there.

2 And the other thing -- oh, yeah. And in the  
3 Puga -- I'm sorry -- the video from Mr. Kimmins that's  
4 labeled "Puga compilation video R6," I was very concerned  
5 about the reliability of -- somebody is -- at the bottom  
6 of the video, there's -- there's, like, narrative labels  
7 that somebody made, purporting to describe what's going  
8 on, and some of those didn't seem to be particularly  
9 accurate or valid.

10 I'm not sure where they came from or who put  
11 them on or where that narrative came from, but I was kind  
12 bothered by that. The videos speak for themselves. I  
13 don't know why they would need a narrative like that,  
14 especially if there's some inaccuracies in it.

15 So that's all I have on the Kimmins' report and  
16 videos.

17 MS. ESQUIVEL: Okay. I believe that's all the  
18 questions I have. Thank you very much, Mr. Meyer.

19 THE WITNESS: Thank you.

20 MR. GALIPO: Okay, Kimberly. I think Diana  
21 went about a half hour or a little bit shorter. I have  
22 ten minutes. Are you able to do it now, or would you  
23 like a short break?

24 THE CERTIFIED STENOGRAPHER: Yes, I'm okay for  
25 now. Thank you for asking.

**JONATHAN WAYNE BOTTEN, ET AL. vs STATE OF CALIFORNIA, ET AL.**  
**Greg Meyer on 02/12/2025**

Page 98

1 STATE OF CALIFORNIA)  
2 ) ss:  
3 COUNTY OF ALAMEDA )

4 I, KIMBERLY E. D'URSO, do hereby certify:

5 That the witness named in the foregoing  
6 deposition was present remotely and duly sworn to testify  
7 to the truth in the within-entitled action on the day and  
8 date and at the time and place therein specified;

9 That the testimony of said witness was reported  
10 by me in shorthand and was thereafter transcribed through  
11 computer-aided transcription;

12 That the foregoing constitutes a full, true and  
13 correct transcript of said deposition and of the  
14 proceedings which took place;

15 Further, that if the foregoing pertains to the  
16 original transcript of a deposition in a federal case,  
17 before completion of the proceedings, review of the  
18 transcript [x] was [ ] was not requested.

19 That I am a certified stenographic reporter and  
20 a disinterested person to the said action;

21 IN WITNESS WHEREOF, I have hereunder subscribed  
22 my hand this 25th day of February, 2025.

23 \_\_\_\_\_

24 KIMBERLY D'URSO, CSR NO. 11372, RPR

25